

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**

RYNE MCBRIDE AND RORY JONES,)	
)	
Plaintiffs,)	
vs.)	CIVIL ACTION FILE
)	NO. 2010CV187402
GAMESTOP, INC.,)	
)	
Defendant.)	
_____)	

**NOTICE TO PLAINTIFF OF REMOVAL TO
THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION**

TO: Ryne McBride and Rory Jones
Steven B. Davis, Esq.
Davis Desautel Law Group, LLP
8737 Dunwoody Place
Suite 4
Atlanta, Georgia 30350

YOU ARE HEREBY notified of the filing of a Petition for Removal to the United States District Court for the Northern District of Georgia, Atlanta Division, of the case entitled *Ryne McBride and Rory Jones v. Gamestop, Inc.*, Civil Action File No. 2010CV187402 in the Superior Court of Fulton County, Georgia, in accordance with the provisions of Section 1446, Title 28 of the United States Code. A copy of said Petition is attached hereto.

Respectfully submitted this 29th day of July, 2010.

**HAWKINS PARNELL THACKSTON
& YOUNG LLP**



Ronald G. Polly, Jr.

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Matthew A. Boyd

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4000 SunTrust Plaza
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Telephone: (404) 614-7400
Facsimile: (404) 614-7500

Counsel for Gamestop, Inc.

**IN THE SUPERIOR COURT OF FULTON COUNTY
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)	
Plaintiffs,)	
vs.)	CIVIL ACTION FILE
)	NO. 2010CV187402
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)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served all counsel of record in the foregoing matter with a copy of the foregoing **Notice to Plaintiff of Removal to the United States District Court for the Northern District of Georgia, Atlanta Division** by depositing in the U.S. Mail a copy of same in an envelope with adequate postage thereon, addressed as follows:

Steven B. Davis, Esq.
Davis Desautel Law Group, LLP
8737 Dunwoody Place
Suite 4
Atlanta, Georgia 30350

Respectfully submitted this 29th day of July, 2010.

**HAWKINS PARNELL THACKSTON
& YOUNG LLP**



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Counsel for Gamestop, Inc.

SERVICE

85-2

CLYDE CASTLEBERRY CO., DORRISTON, GA 30015

SHERIFF'S ENTRY OF SERVICE

85-2

CLYDE CASTLEBERRY CO., DORRISTON, GA 30015

Civil Action No.

2010CV181402

Superior Court ☒
State Court ☐
Juvenile Court ☐Magistrate Court ☐
Probate Court ☐

Date Filed

Georgia, Fulton COUNTY

Attorney's Address

Stephen L. Davis
Davis Presented Law Group, LLC
8707 Danmurdy Place
Suite 4
Atlanta, GA 30350

Ryne McBride and

Rory Jones

Plaintiff

VS.

Gamestop, Inc.

Defendant

Name and Address of Party to be Served.

Gamestop, Inc.
c/o Registered Agent CT Corporation System

1301 Peachtree Street NE

Atlanta, GA 30361

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

- ☐ I have this day served the defendant _____ personally with a copy of the within action and summons.

NOTORIOUS

- ☐ I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place of abode in this County.
- ☐ Delivered same into hands of _____ described as follows: age, about _____ years; weight _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

- ☐ Served the defendant Gamestop, Inc. a corporation by leaving a copy of the within action and summons with CT Corp in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

- ☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

- ☐ Diligent search made and defendant _____ not to be found in the jurisdiction of this Court.

This 29 day of June, 2010

DEPUTY

SHERIFF DOCKET _____ PAGE _____

WHITE-CLERK CANARY-PLAINTIFF PINK-DEFENDANT

SUMMONS

SC-85-1

Cycle Castberry Co., Conover, GA 30015

IN THE SUPERIOR ~~STATE~~ COURT OF Fulton COUNTY

STATE OF GEORGIA

Ryne McBride and

Rory Jones

CIVIL ACTION
NUMBER _____

PLAINTIFF

VS.

Gamestop, Inc.

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Stephen B. Davis
Davis Desautel Law Group, LLC
8737 Dunwoody Place
Suite 4
Atlanta, GA 30350

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you; exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 24 day of June, 20 10

Clerk of Superior ~~State~~ Court

BY [Signature]

Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties. If needed, make notation on this sheet if addendum sheet is used.

General Civil Case Filing Information Form (Non-Domestic)

Court
☒ Superior
☐ State

County Fulton

Date Filed

Docket #

2010CV087402

FILED IN OFFICE

MM-DD-YYYY

JUN 24 2010

DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

Plaintiff(s)

McBride, Ryne

Last First Middle I. Suffix Prefix Maiden

Jones, Rory

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

No. of Plaintiffs

2Plaintiff/Petitioner's Attorney ☐ Pro SeDavis, Stephen B

Last First Middle I. Suffix

Bar #

375235

Defendant(s)

Gamestop, Inc.

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

No. of Defendants

1

Check Primary Type (Check only ONE)

- ☐ Contract/Account
☐ Wills/Estate
☐ Real Property
☐ Dispossession/Distress
☐ Personal Property
☐ Equity
☐ Habeas Corpus
☐ Appeals, Reviews
☐ Post Judgment Garnishment, Attachment, or Other Relief
☐ Non-Domestic Contempt
☐ Tort (If tort, fill in right column)
☒ Other General Civil Specify

employment FLSA

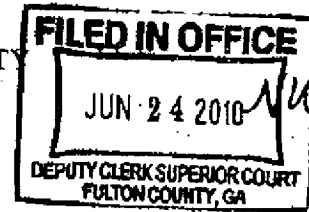
If Tort is Case Type:

(Check no more than TWO)

- ☐ Auto Accident
☐ Premises Liability
☐ Medical Malpractice
☐ Other Professional Negligence
☐ Product Liability
☐ Other Specify

Are Punitive Damages Pleaded? ☐ Yes ☒ No

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



RYNE McBRIDE and RORY JONES,

Plaintiffs,

vs.

GAMESTOP, INC.

Defendant.

CIVIL ACTION

FILE NO. 2010CV187402

COMPLAINT

COME NOW Plaintiffs RYNE McBRIDE and RORY JONES, by and through their attorneys of record, and assert their claims under the Fair Labor Standards Act, 29 U.S.C. §201 et seq., (hereinafter referred to as the "FLSA") for compensation for all hours worked, for overtime compensation, for retaliation for complaints of violations of the FLSA and for other relief, showing the Court as follows:

1.

Jurisdiction is proper in the Superior Court of Fulton County pursuant to 29 U.S.C. § 216(b).

2.

Venue is proper in the Superior Court of Fulton County as Defendant Gamestop, Inc. has its registered agent in Fulton County.

3.

Defendant GAMESTOP, INC. is a foreign corporation licensed to do business in the State of Georgia. Defendant GAMESTOP, INC may be served with this summons and complaint via its registered agent, CT Corporation System, at its address of 1201 Peachtree

Street, NE, Atlanta, Fulton County, Georgia 30361.

4.

Plaintiff RYNE MCBRIDE is a former employee of Defendant, who was employed from approximately November 20, 2006, through October 21, 2009 in the capacity as a salesman and assistant manager.

5.

Plaintiff RORY JONES is a former employee of Defendant GAMESTOP, INC, who was employed from September 21, 2005, through July 25, 2008, in the capacity as a salesman.

6.

Plaintiffs' Consents to Participate and Become a Party Plaintiff in an FLSA Action is incorporated herein as Exhibit "A".

7.

Plaintiffs bring this action on behalf of themselves.

8.

Defendant GAMESTOP, INC is an employer as defined under the FLSA as set out in 29 U.S.C. § 203(d).

9.

This action is brought by two former employees of Defendant GAMESTOP, INC. for violations of the Fair Labor Standards Act of 1938, currently amended and set out at 29 U.S.C. §201 et seq. The claims of Plaintiffs are based upon Defendant GAMESTOP, INC.'s failure to pay the Plaintiff's for all time worked, including overtime worked and earned as well as Defendant GAMESTOP, INC.'s retaliation for complaints of violations of

the FLSA.

10.

Both Plaintiffs were employees engaged in commerce as they sold video games, magazines and equipment to the general public on behalf of their employer, GAMESTOP, INC.

11.

Defendant GAMESTOP, INC. is an enterprise engaged in commerce whose primary purpose is the sale of video games, consoles and related equipment to the public for profit.

12.

Both Plaintiff's pay period consisted of a fourteen days and both Plaintiffs were paid hourly.

13.

Both Plaintiffs' work weeks consisted of a seven day period in which they were regularly scheduled to work between 1 and 5 days.

14.

Both Plaintiffs would from time to time exceed forty (40) hours of work in any given work week.

15.

Defendant GAMESTOP, INC., by and through its store managers acting as agents, routinely edited the time cards of Plaintiffs to reflect that both Plaintiffs worked less hours than they actually worked. Plaintiffs received no pay whatsoever for any hours which were edited, save for one occasion.

16.

Defendant GAMESTOP, INC does not meet the requirements for any of the exemptions of the overtime compensation requirements of the Fair Labor Standards Act under 29 U.S.C. §§ 207 or 213.

17.

Both Plaintiffs were required to be compensated for all hours worked and were required to be compensated at a rate of one and one half times their hourly rate for all hours worked in excess of forty hours in any given pay period.

18.

Defendant GAMESTOP, INC knew or should have known that the FLSA applied to Plaintiffs.

19.

Defendant GAMESTOP, INC was required to keep accurate records of Plaintiffs' hours worked under the rules and regulations established within the FLSA.

20.

Defendant GAMESTOP, INC has willfully refused to properly compensate Plaintiffs for hours exceeding forty per pay period at the rates required by law and willfully edited time sheets to prevent Plaintiffs from being paid for all hours worked.

21.

Defendant GAMESTOP, INC. willfully required Plaintiffs to work hours after they had "clocked out" including, but not limited to, transporting funds to the bank after hours without compensation.

22.

Defendant GAMESTOP, INC.'s conduct constitutes a willful violations of § 207 of the FLSA, thereby entitling Plaintiffs to the including the application of a three (3) year statute of limitations period ,the award of liquidated damages and all other relief afforded under the FLSA.

23.

Defendant GAMESTOP, INC must compensate both Plaintiffs for any and all time worked in excess of 40 hours per week at the rate of one and one-half times their regular rates of pay as well as for all hours that were edited and not paid by Defendant GAMESTOP, INC. to Plaintiffs.

24.

Plaintiff RYAN McBRIDE and other employees notified Defendant GAMESTOP, INC. that there were ongoing violations of the FLSA requirements within their company.

25.

As a result of his complaints of FLSA violations, Defendant GAMESTOP, INC. improperly retaliated by reducing his work hours and ultimately terminating Plaintiff RYAN McBRIDE.

26.

Plaintiff McBride is entitled to compensation for the retaliation and loss of his job.

27.

Defendant GAMESTOP, INC's failure to compensate Plaintiffs for time actually worked at any rate of pay and time worked in excess of 40 hours per week at one and one-half times their regular rates of pay constitutes a violation of §§ 207 and 215 of FLSA. Such

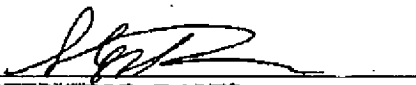
violations are intentional and willful. Said violations give rise to claims for relief under the FLSA to both Plaintiffs for unpaid compensation and unpaid overtime compensation for three years prior to the filing of this Complaint, liquidated damages in an amount equal to all unpaid compensation, declaratory and injunctive relief, and reasonable attorneys fees and expenses of litigation, pursuant to 29 U.S.C. § 216.

WHEREFORE, Plaintiffs respectfully request that this honorable Court:

- (a) Grant a trial by Jury as to all matters triable by a jury;
- (b) Issue Judgment finding that both Plaintiffs were covered by the applicable provisions of the FLSA and that Defendant GAMESTOP, INC. has failed to satisfy its requirements and obligations under the FLSA;
- (c) Order payment to Plaintiffs for all hours worked and appropriate compensation for all hours worked in excess of forty hours per week for the three years preceding the filing of this Complaint and liquidated damages equaling one-hundred percent of monies owed to both Plaintiffs, as required under the FLSA;
- (d) Order prejudgment interest to both Plaintiffs on all monies owed to them;
- (e) Order Defendant GAMESTOP, INC. to pay the reasonable attorney's fees and costs of Plaintiffs;
- (f) Order any and all further relief the Court deems just and proper.

Respectfully submitted, this 22nd day of June, 2010.

DAVIS DESAUTEL LAW GROUP, LLC

BY: 
STEPHEN B. DAVIS
GEORGIA BAR NO. 375235

ATTORNEYS FOR THE PLAINTIFF

8737 Dunwoody Place
Suite 4
Atlanta, Georgia 30350
(678) 352-9260

**CONSENT TO PARTICIPATE AND TO BECOME A PLAINTIFF IN THIS ACTION
BROUGHT UNDER THE FAIR LABOR STANDARDS ACT (29 U.S.C. § 201, ET SEQ.)**

I, Ryne McBride, a former employee of Gamestop, Inc.
hereby grant my consent to become a Plaintiff in an action for hourly compensation, overtime
compensation and any other benefits available under the Fair Labor Standards Act and other
applicable laws.

This 5 day of May, 2010.

Ryne McBride

Address: 1829 Ballybunion Dr.
Duluth Ga. 30097



CONSENT TO PARTICIPATE AND TO BECOME A PLAINTIFF IN THIS ACTION
BROUGHT UNDER THE FAIR LABOR STANDARDS ACT (29 U.S.C. § 201, ET SEQ.)

I, Rory Jones, a former employee of Gamestop, Inc. hereby grant my consent to become a Plaintiff in an action for hourly compensation, overtime compensation and any other benefits available under the Fair Labor Standards Act and other applicable laws.

This 9th day of May, 2010.

Rory Jones

Address: 3075 Scepter
Drive, Duluth, GA 30096